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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3599 of 2007

Abhijit A. Pandharpure .. Applicant

versus

State of Maharashtra .. Respondent

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Mr.A.P. Mundargi for the applicant.

Mr.K.V. Saste APP for the State.

CORAM : D.G.KARNIK, J

DATED : 21st November 2007

P.C.:

1. Heard learned counsel for the applicant and learned APP for the State.

2. This application under section 438 of the Code of Criminal Procedure is made for Anticipatory Bail in connection with C.R. No.120 of 2007 registered with Patna police station, Satara for offences punishable under section 419, 420, 467, 468

and 471 r/w section 34 of the IPC.

3. The applicant is the Manager of Sarjan Realties Ltd. Certain properties belonging to Shantibai, Janabai, Manabai and others were agreed to be purchased by Sarjan Realties (for short "the purchaser") Registered agreement of sale with possession was executed in favour of the purchaser. Applicant signed the agreement on behalf of the purchaser. Shantibai, Janabai and Manabai were shown as signatories. Though they were not personally present before the Sub-registrar some impersonator was brought before the Sub-registrar to get the agreement registered showing their names as vendors. On discovery of the fraud, the Sub-registrar has lodged a First Information Report to the police. The investigation is going on. Learned APP submits that the beneficiary of the agreement is the company of which the applicant is the Manager. In the circumstances, needle of suspicion points towards him. He is necessary for custodial interrogation to investigate the charge of impersonation and the offence committed.

4. In my view, of the fact that the needle of suspicion points towards the applicant as he is the Manager of the Company of which he is the beneficiary

under a document which is forged and obtained by impersonation of vendors, I am of the view that his custodial interrogation may be necessary. An application made for anticipatory bail before the Sessions Judge has also been rejected by him by a well reasoned order dated 19th October 2007. I do not see any reason to take a different view than the view taken by the Sessions Judge in rejecting the said application. In the circumstances, application for anticipatory bail is rejected.

5. It is clarified that the observations made in this order are merely preliminary. If a regular bail application is made before the Sessions Court, the Court shall decide the same on its own merits without being in any way influenced by any observations made herein.

(D.G. KARNIK, J)